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RECEIVED

February 19, 2008

BY HAND DELIVERY

Honorable Naomi R. Buchwald
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007-1312

Re: Rudolpho Enrique Jouv'ert v. City of New York, et. al, 07 CV 5825 (NRB)

Your Honor:

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I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. In that capacity, I write to respectfully request a sixty-day enlargement of time, from February 19, 2008 until April 21, 2008, within which the City may answer or otherwise respond to the complaint. I write directly to the Court because plaintiff is incarcerated and proceeding *pro se* in this matter. This is the first request for an enlargement of time.

The complaint alleges that a New York City Police Officer failed to protect plaintiff from an alleged assault on July 20, 2004. In addition to the City of New York, plaintiff names an unidentified New York City police officer as a defendant. Before we can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. From a cursory review of the complaint, defendant believes that we may have a good faith basis to move to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. An enlargement of time will permit this Office to further investigate plaintiff's allegations and determine whether a motion to dismiss is appropriate.

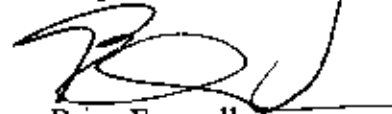
Moreover, an enlargement of time will allow this Office to forward to plaintiff for execution an authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Pursuant to that statute, all records concerning any arrest or prosecution of plaintiff in connection with this incident were sealed by court order upon the termination of the criminal action in favor of plaintiff. In addition, because plaintiff is claiming physical and/or psychological injuries, an enlargement of time will allow us to forward a medical

So Ordered
Michael A. Cardozo
2/21/08

release to plaintiff so that we can secure the relevant medical records. Defendant cannot obtain these records without these authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, City defendant requires this enlargement so that this Office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian Francolla', written over a horizontal line.

Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Rudolpho Enrique Jouv'ert (By mail)
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